

## REMARKS

Claim 1 has been amended to incorporate the subject matter recited in canceled claim 4. Claim 4 has been canceled. Thus, claims 1-3 and 5-13 are presented for examination. Support for the amendment to claim 1 may be found in original claim 4. Thus, no new matter has been added. Reconsideration and withdrawal of the present rejections in view of the amendments and comments presented herein are respectfully requested.

### **Obviousness-type double patenting**

Claims 1-3 and 7-13 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-8 of US Patent No. 7,316,889, Claims 1-7 of US Patent No. 7,316,888, and Claim 1 of US Patent No. 7,323,287. These same claims were also provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-14 of copending Application No. 11/347,167 and over Claims 1-8 of copending Application No. 11/347,055.

Claim 1 as amended recites all of the features of canceled Claim 4, which was not included in these obviousness-type double patenting rejections. In view of this amendment to Claim 1 of the present application, none of the foregoing rejections remain applicable.

Claims 1-13 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of commonly owned US Patent No. 7,074,543. Enclosed herewith is a terminal disclaimer, thus overcoming this rejection.

In view of the amendment and comments presented above, Applicants respectfully request reconsideration and withdrawal of the obviousness-type double patenting rejections.

### **Prior art rejection**

Claims 1-3 and 7-13 were rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over, Uetani et al. (US 6,579,659).

Claim 1 as amended recites all of the features of canceled Claim 4, which was not included in this rejection. Accordingly, this rejection is no longer applicable in view of the amendment to claim 1.

Uetani et al. neither teach nor suggest that component (A) is a mixed resin comprising a polymer that comprises both structural units derived from an acrylate ester and structural units

derived from a methacrylate ester, and a polymer that comprises one of either structural units derived from an acrylate ester or structural units derived from a methacrylate ester, but not another, or a mixed resin comprising a polymer that comprises structural units derived from an acrylate ester but no structural units derived from a methacrylate ester, and a polymer that comprises structural units derived from a methacrylate ester but no structural units derived from an acrylate ester, as recited in amended claim 1.

In addition, in the present invention, because a specific resin component (A) with a glass transition temperature of no more than 170°C is used, the temperature range for which the resist obtained using the resist composition containing the component (A) undergoes softening without flowing overlaps with the temperature range for which favorable shrinking performance is exhibited by the water-soluble coating. As a result, the resin may be ideal for a shrink process used for forming a resist pattern with favorable rectangularity. Because no thermal decomposition of the base resin occurs, thickness loss of the resist layer caused by base resin thermal decomposition does not occur, resulting in an even more superior resist pattern shape. (See specification at page 13, lines 1-13). This unexpected advantage also supports the nonobviousness of the presently claimed invention.

#### CONCLUSION

Applicants respectfully submit that all claims are in condition for allowance. If any minor matters remain that could be addressed via teleconference, the Examiner is invited to contact the undersigned at the telephone number provided below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6/27/08

By: 

Neil S. Bartfeld, Ph.D.  
Registration No. 39,901  
Agent of Record  
Customer No. 20,995  
(619) 235-8550